

1 Frank A. Silane (State Bar No.: 90940)
2 Scott D. Cunningham (State Bar No.: 200413)
CONDON & FORSYTH LLP
3 1901 Avenue of the Stars, Suite 850
Los Angeles, California 90067-6010
4 Telephone: (310) 557-2030
Facsimile: (310) 557-1299
Email: fsilane@condonlaw.com
5 Email: scunningham@condonlaw.com

6 - and -

7 Marshall S. Turner (*pro hac vice*)
CONDON & FORSYTH LLP
8 7 Times Square
New York, NY 10036
9 Telephone: (212) 490-9100
Facsimile: (212) 370-4453
10 Email: [mtturner@condonlaw.com](mailto:mturner@condonlaw.com)

11 Attorneys for Plaintiff
ALL NIPPON AIRWAYS COMPANY, LTD.

12 - and -

13 Other counsel as listed on the signature page

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 ALL NIPPON AIRWAYS COMPANY, LTD., Plaintiff, } Case No. C07-03422 EDL
18 vs. } JOINT CASE MANAGEMENT
19 UNITED AIR LINES, INC., Defendants. } STATEMENT

20 AND RELATED COUNTER-CLAIM }
21
22

23 Plaintiff ALL NIPPON AIRWAYS COMPANY, LTD. ("ANA") and
24 defendant UNITED AIR LINES, INC. ("UAL") jointly submit their case
25 management statement as follows:

26 1. Jurisdiction and Service

27 The parties assert that the Court's subject matter jurisdiction is based
28

upon 28 U.S.C. section 1332(a) and 28 U.S.C. section 1391. No parties remain to be served.

2. Facts

On October 7, 2003, a collision occurred while ANA Flight NH007 was taxiing at San Francisco International Airport. During the taxi of Flight NH007 and the pushback of UAL Flight UA809 by the UAL tow driver, the right wings of Flight NH007 and Flight UA809 collided. Both airplanes sustained substantial damage to their right wings.

3. Legal Issues

The essential issues in dispute are causation and the apportionment of liability, if any, between the parties.

4. Motions

At present, no motions are pending. ANA may file a motion for a protective order with respect to UAL's deposition notice and document request concerning the Standard Ground Handling Agreement. ANA may also file a motion to dismiss certain allegations and affirmative defenses from UAL's Answer and Counter-Complaint based on the Standard Ground Handling Agreement.

UAL anticipates filing a motion to compel ANA to produce witnesses in accordance with its September 12, 2007 deposition notice, including relative to a 30(b)(6) witness regarding the ground handling agreement and documents requested pertaining to same. Additionally, UAL anticipates filing a motion for a protective order relative to certain highly proprietary/sensitive documents prior to these being produced.

28 //

1 5. Amendment of Pleadings

2 The parties do not anticipate adding any claims or defenses.

3 6. Evidence Preservation

4 The parties are in the process of gathering evidence.

5 7. Disclosures6 The parties are presently engaged in the process of exchanging initial
7 disclosures and propounding their discovery.8 8. Discovery9 The parties have not stipulated to any discovery limits different from
10 the Federal Rules. Depositions of both parties are being scheduled to
11 commence before the end of 2007. There are potential out-of-state or
12 out-of-country depositions of percipient witnesses.13 9. Class Actions14 This is not a class action case and the parties do not anticipate any
15 class certification.16 10. Related Cases

17 There are presently no related cases.

18 11. Relief19 Both parties seek relief for the full cost of repair of their airplanes and
20 damages resulting from the loss of use of the airplanes, as well as all
21 interest accrued therewith.22 12. Settlement and ADR23 The parties have agreed to a private mediation and are in the process
24 of scheduling a mediation.25 13. Consent to Magistrate Judge for All Purposes26 Both parties consent to have the magistrate judge conduct all further
27 proceedings including trial and entry of judgment.

28 //

14. Other References

2 This case is not suitable for reference to binding arbitration, a special
3 master, or the Judicial Panel on Multidistrict Litigation.

15. Narrowing of Issues

5 The parties believe that the issues in dispute may be narrowed at the
6 completion of discovery.

16. Expedited Schedule

8 This is a case that cannot be handled on an expedited basis.

9 17. Scheduling

10 The parties request at least a nine months for discovery. The parties
11 submit the following proposed trial and pretrial dates:

- 12 1. Fact discovery completed by July 31, 2008;
- 13 2. Expert witness disclosures and reports completed by September
14 30, 2008;
- 15 3. Rebuttal expert witness disclosures and reports completed by
16 December 1, 2008;
- 17 4. Completion of all discovery by February 2, 2009;
- 18 5. Dispositive motions filed by March 2, 2009;
- 19 6. Trial date, May 4, 2009.

20 18. Trial

21 Plaintiff's Complaint and Defendant's Answer contains a request for a
22 jury trial. The parties estimate that trial will take eight court days.

23 19. Disclosure of Non-Party Interested Entities or Persons

24 Each party has filed the "Certification of Interested Entities or
25 Persons" required by Civil Local Rule 3-16.

26 //

27 //

28 //

1 20. Other

2 The parties agree that there are no other matters at this time that
3 would assist the disposition of this matter.

4
5 Dated: September 25, 2007

CONDON & FORSYTH LLP

6 By: *[Signature]*

7 FRANK A. SILANE
8 SCOTT D. CUNNINGHAM
9 MARSHALL S. TURNER (*pro hac
vice*)
10 Attorneys for Plaintiff
11 ALL NIPPON AIRWAYS
12 COMPANY, LTD.

13 Dated: September 25, 2007

14 JAFFE RAITT HEUER & WEISS, P.C.

15 By: *[Signature]*

16 SCOTT R. TORPEY
17 Attorney for Defendant
18 UNITED AIR LINES, INC.

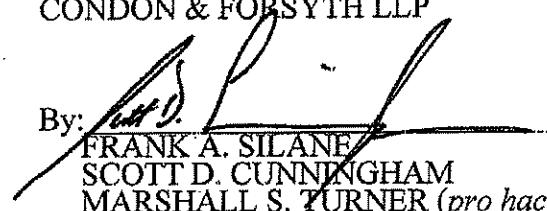
1 20. Other

2 The parties agree that there are no other matters at this time that
3 would assist the disposition of this matter.

4

5 Dated: September 25, 2007

CONDON & FORSYTH LLP

6 By: 

7 FRANK A. SILANE
8 SCOTT D. CUNNINGHAM
9 MARSHALL S. TURNER (*pro hac
vice*)
10 Attorneys for Plaintiff
11 ALL NIPPON AIRWAYS
12 COMPANY, LTD.

13

14 Dated: September 25, 2007

JAFFE RAITT HEUER & WEISS, P.C.

15 By: 

16 SCOTT R. TORPEY
17 Attorney for Defendant
18 UNITED AIR LINES, INC.

CONDON & FORSYTH LLP
1901 Avenue of the Stars, Suite 850
Los Angeles, California 90067-6010
Telephone: (310) 557-2030